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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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|-----------------------------------|---|---------------------------------|
| MARIANA GREEN, |) | Case No. 08cv0130-JM (LSP) |
| |) | |
| Plaintiff, |) | |
| |) | JOINT MOTION TO DISMISS AS MOOT |
| v. |) | |
| |) | [Fed. R. Civ. P. 12(b)(1)] |
| MICHAEL B. MUKASEY, U.S. Attorney |) | |
| General; et al., |) | |
| |) | |
| Defendants. |) | |

COME NOW THE PARTIES, Plaintiff Mariana Green, by and through counsel, Marie L. Johnson, and Defendants Michael Mukasey, et al., by and through their counsel, Karen P. Hewitt, United States Attorney, and Megan Callan, Assistant United States Attorney, and hereby jointly move the Court to dismiss Plaintiff's Complaint as moot.

On June 4, 2008, United States Customs and Immigration Services ("USCIS") denied Mr. Green's Petition for Alien Relative (Form I-130), filed on Plaintiff's behalf. *See* Exhibit A, Notice of Decision; *see also* Callan Declaration at ¶¶ 2-4. Accordingly, the petition was adjudicated. *See ibid.*

Plaintiff alleged no other basis, independent of the Form I-130, in support of her application to adjust status to lawful permanent resident (Form I-485). Furthermore, additional administrative remedies are available to Mr. Green, in the form of administrative appeal of the I-130 denial. *See* Ex. A at 2; *see also* Callan Decl. at ¶ 6.

1 Plaintiff's Complaint should be dismissed as moot because USCIS has adjudicated the Form I-130
2 and the denial of that petition renders Plaintiff's I-485 moot. There is no relief left for the Court to order.
3 Accordingly, the parties jointly request that the Court dismiss the Complaint as moot.

4 Based upon the foregoing, it is respectfully requested that the Court enter an order, under
5 FED. R. CIV. P. 12(b)(1), dismissing the Complaint as moot.

6 DATED: August 4, 2008

Respectfully submitted,

7 s/ Marie L. Johnson
8 MARIE L. JOHNSON
Attorney for Plaintiff
9 E-mail: Marie@asklawgroup.com

10 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures
11 of the United States District Court for the Southern District of California, I certify that the content of this
12 document is acceptable to counsel for the Plaintiff and that I have obtained authorization from Marie L.
13 Johnson by telephone to affix her electronic signature to this document. *See also* Callan Decl. at ¶ 5.

14 DATED: August 4, 2008

Respectfully submitted,

15 KAREN P. HEWITT
16 United States Attorney

17 s/ Megan Callan
18 MEGAN CALLAN
Assistant U.S. Attorney
19 Attorneys for Defendants
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